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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/989,437	11/21/2001	Mamiko Sugimoto	DP-820 US	1606

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EXAMINER	
HOLTON, STEVEN E	
ART UNIT	PAPER NUMBER
2629	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/24/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	09/989,437	SUGIMOTO ET AL.	
	Examiner	Art Unit	
	Steven E. Holton	2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 November 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is made in response to applicant's amendment filed on 11/3/2006. Claims 1-30 are currently pending in the application. An action follows below:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-16, and, 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Montlick as applied to claims 1 and 9 above in view of Snell et al. (USPN: 5724985), hereinafter Snell.

Regarding claim 1, Montlick discloses a wireless apparatus and pen based input data entry system. The system comprising: an input/display device (Fig. 1, element 12) including input means and display means and receiving hand writing inputs (see Fig. 3), a storage (Fig. 1, elements 19 and 20) for storing substantially all medical data (col. 4, line 66- col. 5 line 2). Montlick further discloses sheet labels (Fig. 2, element 32; each tab can be considered a sheet label associated with a specific page/sheet of information) where as the input means moves onto different sheet labels the information associated with said sheet label is displayed on the sceen (col. 5, line 54 – col. 6, line 3). The Examiner notes that Montlick recites that touching the pen to any of the menu fields will select the menu field. Sliding the pen along the screen so that it touches one

or another menu filed would also select the menu field and display the information associated with the menu field. Montlick changing the display so that proper information is displayed constitutes a change-over operation. However, Montlick does not expressly disclose, "determining whether a data identifier has been received in said handwriting".

Snell discloses, "determining whether a data identifier has been received in said handwriting (col. 18, lines 36-45)." Snell determines if a gesture has been entered as part of the handwriting and performs tasks based on the identifier of the gesture.

At the time of invention, it would have been obvious to one skilled in the art to modify a system of Montlick to further provide text recognition as noted by Snell. The motivation for doing so would have been to provide "an improved apparatus and method for viewing, manipulating and annotating both real-time and stored medical data (Snell, col. 5, lines 50-55)." Further, providing gestures as part of the interface system provides alternate commands rather than requiring tapping or dragging (Snell, col. 18, lines 36-37). Therefore, it would have been obvious to one skilled in the art to combine the teachings of Montlick and Snell to produce a device that determines data identifiers in the form of gestures within the inputted handwriting as described in claim 1.

Regarding claim 9, the Examiner notes that the claim states, "wherein the method comprises one of" and then provides a list of operations that are part of the method. The first operation described is the same as the operation described in claim 1. Therefore, the arguments applied to claim 1 can be applied to claim 9.

Regarding claims 2 and 10, Montlick teaches, a medical treatment system where when the segments (Fig. 3, segments labeled 'Vital Signs', 'Eyes', 'Ears' and 'Other') of an input field are displayed (Fig. 3, element, element 50), the segments have labels assigned in a previously specified sequence. The Examiner notes that many of the input fields are pre-made forms from the central controller, thus the segment labels are assigned based on predetermined sequences.

Regarding claim 3, Montlick discloses, "wherein in the storage the data are substantially all stored after... an operation to explicitly close a medical report (col. 8, lines 1-9)."

Regarding claim 7, Montlick teaches, a medical treatment system where when the segments (Fig. 3, segments labeled 'Vital Signs', 'Eyes', 'Ears' and 'Other') of an input field are displayed (Fig. 3, element, element 50), the segments have labels assigned in a previously specified sequence. The Examiner notes that many of the input fields are pre-made forms from the central controller, thus the segment labels are assigned based on predetermined sequences.

Regarding claims 16 and 24, Montlick teaches, "wherein said input/display device is a pen-tablet device (Fig. 1, element 12)."

Regarding claims 4, 5, 6, 8, and 11, Snell discloses, "special software programs called text recognition engines are known and have been applied to tablet computers. Such engines allow pen input to be recognized as characters and then manipulated as character data (col. 26, lines 38-42)."

Regarding claims 12-15, the Examiner takes Official Notice that at the time of invention it was well known in the art to make data files stored on a network to be unalterable except by users with certain permissions. When a user accessed a file that has been made unalterable, a display item, icon, or message is displayed to the user that the data cannot be changed. Therefore, it would have been obvious to one skilled in the art to allow that medical records not be altered because of the need of accurate medical history for patients, and would display information so that a user would recognize when a medical record could not be altered. The Examiner has provided reference regarding this Official Notice in response for the request to show the well-known nature of this issue. The reference (Mori, USPN: 6098084) is discussed below.

3. Claims 18, 22, 23, 27, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Montlick in view of Snell and further in view of Igarashi et al. (Applicant's Cited Prior Art: "An Architecture for Pen-based Interaction on Electronic Whiteboards"), hereinafter Igarashi.

Regarding claim 18, as discussed above the combination of Montlick and Snell discloses all of the limitations except, "the input means moving in a horizontal direction in a sliding manner to cross an input field displayed at a position on a screen by the display means; and the input/display device displaying the input field, the input field being subdivided into segments."

Igarashi discloses a method of splitting segments on a pen based input system by providing a vertical line across an input field (Fig. 2; section 3.1; Inking and Segmenting).

The Examiner notes that Igarashi only shows splitting a segment using a vertical line between two elements within the segment; however, it would be obvious to one skilled in the art that splitting segments using a vertical line could be adapted to operate with a horizontal line and provide the same splitting functionality.

At the time of invention it would have been obvious to one skilled in the art to modify the pen and tablet based input system disclosed by Montlick and Snell with the segment splitting functionality of the system described by Igarashi. The motivation for doing so would be to provide users with flexibility for organizing and working with written input placed on the input system (Igarashi, paragraph spanning the end of the first page to the beginning of the second page). Thus, it would have been obvious to modify the teachings of Montlick and Snell with the teachings of Igarashi to produce a method as described in claim 18.

Regarding claims 22 and 23, Igarashi discloses "dragging an input field selected from a plurality of input fields displayed at positions on a screen by the display means and moving the input field in the screen; and the input/display device one of minimizing or magnifying one of the input field and other input fields on the screen according to movement of the input field dragged by the input means (Igarashi, Fig. 3; section 3.1 final paragraph). This type of moving and squashing would be used to ensure visibility and to keep segments from overlapping when being moved around the screen by the

user (Igrashi; section 3.1; final paragraph). This allows hand-written notes and input to be kept visible and selectable for the user.

Regarding claim 30, the Examiner notes that like claim 9, claim 30 recites the method "further comprising one of" and then lists various actions. The seventh and eighth operations are the same as the ones defined in claim 22 and 23 and therefore the arguments can be applied to claim 30 as well.

Regarding claim 27 (which is dependent on claim 30), Montlick teaches, "wherein said input/display device is a pen-tablet device (Fig. 1, element 12)."

4. Claim 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Montlick in view of Snell and in further view of Fenster et al. (USPN: 5454371), herein after Fenster.

Regarding claim 20, as discussed above the combination of Montlick and Snell discloses all of the limitations except, "the input means moving from a first point to a second point on an image displayed at a position on a screen by the dispaly means; and the input/display device measuring a distance of movement between the first and the second points and displaying the distance over the image."

Fenster discloses a medical imaging system where images can be manipulated and measured using points defined by the user input device (col. 23, lines 25-39). The Examiner notes that the Fenster does not specify where the measured distance is displayed on the screen, but the Examiner states that it would be a design choice for one skilled in the art to display the measured value above the image or inside the image

or at any desired location on the screen. Further, Fenster discloses the system using a mouse but states that the system could be realized using various input devices including digitizer and light pen (col. 23, lines 62-67).

At the time of invention it would have been obvious to one skilled in the art to modify the teachings of Montlick and Snell with the teachings of Fenster. The motivation for doing so would have been to the user with techniques for manipulating images displayed on display screen (Fenster, col. 1, lines 47-52). Thus, it would have been obvious to provide methods of manipulating images by allowing a user to measure distances on within the image and displaying such distances as disclosed by Fenster with the medical input system disclosed by Montlick and Snell to produce the device in claim 20.

Regarding claim 21, Fenster discloses method of drawing a trace beginning at a point displayed at a position on the screen and then rotating the image based on the length and direction of the trace (Figs. 21a –21c; col. 17, lines 10-56).

5. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Montlick in view of Snell and in further view of Tanaka (USPN: 5249296).

Regarding 25, as discussed above the combination of Montlick and Snell discloses all of the limitations except, "the input means dragging a sheet label displayed at positions on a screen by the display means and moving the sheet label upward; and the input/display device reading data stored in the storage in relation to the sheet label from the storage and displaying the data below the sheet label by classifying the data."

Tanaka discloses a gesture based input system for a pen based input system. The input system allows that a new window is opened after the execution of a dragging operation of an icon on the screen (abstract; col. 3, lines 9-12; col. 5, lines 9-28). The Examiner states that the dragging operation of Tanaka involves selecting an associated icon for a record/file/program and then dragging the icon to a location on the screen, wherein the computer system then opens a window and displays the associated information to the icon. The dragging operation may be done in any direction including up; and the generic icon of Tanaka also covers a sheet label or other type of designation of a file or program operating on the computer system.

At the time of invention it would have been obvious to one skilled in the art that would be possible to modify a handwriting input system such as disclosed by Montlick and Snell with the ability to select an icon and drag the icon in a direction to display the file information at the location specified by the drag operation as disclosed by Tanaka. The motivation for doing so would have been "to provide an information processing apparatus for controlling window positions, the apparatus allowing the user to employ any one of the two icon-selecting methods, "check" and "drag" (Tanaka, col. 2, lines 34-38)" also Tanaka finds prior art systems for displaying a window to be "complicated, constrained and confusing (col. 2, line 30)." Thus, it would have been obvious to one skilled in the art to combine Montlick and Snell and Tanaka to produce a device as specified in claim 25.

6. Claims 17, 19, 26, 28, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Montlick in view of Snell and in further view of the Applicant's Admitted Prior Art (disclosure page 22, line 28 – page 23, line 2), hereinafter AAPA.

Regarding claim 28, Montlick discloses a medical support system with an input/display device (Fig. 1, element 12) including input means and display means and receiving hand writing inputs (see Fig. 3), a storage (Fig. 1, elements 19 and 20) for storing substantially all medical data (col. 4, line 66- col. 5 line 2). However, the combination of Montlick and Snell does not expressly disclose, "means for determining whether a data identifier has been received in said handwriting input" and "the input means drags a particular input field selected from a plurality of input fields displayed at particular positions on a screen by said dsiplay means and drops the particular input field onto a sheet label, and said storage stores data of said particular input field with a relationship established to said sheet label."

Snell discloses, "determining whether a data identifier has been received in said handwriting (col. 18, lines 36-45)." Snell determines if a gesture has been entered as part of the handwriting and performs tasks based on the identifier of the gesture.

At the time of invention, it would have been obvious to one skilled in the art to modify a system of Montlick to further provide text recognition as noted by Snell. The motivation for doing so would have been to provide "an improved apparatus and method for viewing, manipulating and annotating both real-time and stored medical data (Snell, col. 5, lines 50-55)." Further, providing gestures as part of the interface system provides alternate commands rather than requiring tapping or dragging (Snell, col. 18,

lines 36-37). Therefore, it would have been obvious to one skilled in the art to combine the teachings of Montlick and Snell to produce a device that determines data identifiers in the form of gestures within the inputted handwriting.

The AAPA discussed on pages 22 and 23 of the specification describe the method of dragging a segment and dropping into a sheet label and storing the information. Further, this technique is described as being analogous to the "drag and drop for Windows" and "the present invention may be an another OS having a same function about 'drag and drop'". The drag and drop technique described as part of claim 28 is therefore a previously known technology provided by other computer operating systems.

At the time of invention it would have been obvious to one skilled in the art that the pen input system of Montlick and Snell could be modified using the 'drag and drop' technique of prior knowledge to produce the device as specified in claim 28. This would be an obvious implementation of commonly used techniques for manipulating input fields in a computer based operating system as shown by Windows as well as other operating systems providing graphical interfaces. Thus, it would be obvious to one skilled in the art that a drag and drop technique as used in other common computer systems could be used with an input system as utilized by Montlick and Snell and the combination of the two would produce a device as specified in claim 28.

Regarding claims 17 and 19, the Examiner notes that these claims provide limitations of a drag and drop function similar to the limitations of claim 28. Therefore,

the combination of Montlick and the prior knowledge of one skilled in the art could also be applied to read on the limitations of the method described in claims 17 and 19.

Regarding claim 26, Montlick teaches, "wherein said input/display device is a pen-tablet device (Fig. 1, element 12)."

Regarding claim 29, Montlick teaches, "wherein in the storage the data are substantially all stored after... an operation to explicitly close a medical report (col. 8, lines 1-9)."

Response to Arguments

7. Applicant's arguments with respect to claims 1, 9 have been considered but are moot in view of the new ground(s) of rejection.

In regards to the Applicant's arguments over the Official Notice used in claims 12-16. The Examiner provides Mori (USPN: 6098084) which describes providing a "read only" graphic (Fig. 4b) placed on top of information displayed when the information cannot be edited. Further, the Examiner notes that Mori describes other indicators of "read only" status provided by prior art programs such as Microsoft Word and the UNIX text editor vi (col. 1, line 54 – col. 2, line 3). The usage of a 'read-only' indicator is well-known in the art for identifying files that cannot be edited by the user when accessing the files.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Mori (USPN: 6098084) as discussed above discloses the use of a read-only indicator for indicating when a file cannot be altered or edited.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven E. Holton whose telephone number is (571) 272-7903. The examiner can normally be reached on M-F 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amr Awad can be reached on (571) 272-7764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Steven E. Holton
Division 2629
January 19, 2007

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SUPERVISORY PATENT EXAMINER